

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
THIRD DIVISION

In re:

JOHN MARTIN THOMAS and
MARCIA AILEEN THOMAS,
Debtors.

SECOND SCHEDULING ORDER
AND ORDER FOR TRIAL

Lonsdale Feed Mill, Inc.,
Plaintiff,

BKY 03-34351

vs.

ADV 03-3287

John Martin Thomas and
Marcia Aileen Thomas,
Defendants.

AT St. Paul, Minnesota, this 16th day of June, 2004.

IT IS HEREBY ORDERED:

1. **Witness Lists**. No later than **August 11, 2004**, counsel for each party shall prepare, serve, and file a list of the names and addresses of all witnesses whom counsel may call at trial.

2.. **Exhibits**. By the following deadlines, counsel shall take the following actions with respect to exhibits:

- a. By **August 21, 2004**: counsel shall serve and file a list of all exhibits that counsel may offer at trial. *The plaintiff shall designate all exhibits by number and the defendant shall designate all exhibits by letter.*
- b. By **August 21, 2004**: counsel shall exchange full copies of all exhibits identified in their lists.
- c. By **September 1, 2004**: counsel shall prepare, sign, and file a stipulation as to the admissibility of as many designated exhibits as possible. The stipulation may go to the foundation and authenticity alone (reserving objection as to relevancy), or may go to admissibility as a whole.
- d. By **September 1, 2004**: counsel shall file a statement of their client's specific objections as to all exhibits not covered by the stipulation contemplated by Term 4.c.

In addition to the copy of their client's exhibits to be offered formally into evidence, counsel shall bring to trial two full additional collated and stapled copies of all exhibits (for the judge and the law clerk), plus an additional such copy for each opposing party's review and use at trial. All such copies shall be premarked according to the identification system of Term 4.a., with the proponent (plaintiff or defendant) identified in the marking. If there are multiple parties plaintiff or defendant, each such shall identify itself as a plaintiff or defendant with an additional abbreviated form of the name by which it is identified in the caption.

3. **Stipulation of Fact.** By **August 21, 2004**, counsel for all parties shall jointly prepare, sign, and file a stipulation of uncontroverted facts, particularly as to basic documentary and transactional events. *For the purposes of this requirement, a stipulation is an **express agreement among parties**. The court does not wish to see a document entitled "stipulation of facts" that is actually one party's unilateral statement of facts that it believes are uncontroverted, or should be, and will give no weight or cognizance to such a document.*

4. **Motions in Limine.** By **August 21, 2004**, counsel shall serve and file all motions in limine. If the issues in such motions are complex, counsel shall set such motions on the calendar for a date *before* the date of the trial.

5. **Trial Briefs.** By **September 1, 2004**, counsel shall serve and file trial briefs, setting forth the factual and legal bases of their clients' positions, and with thorough citations to all statutes, court decisions, and other law on which they will rely.

6. **Pre-trial Settlement.** Counsel and the parties are strongly encouraged to time and conduct their negotiations so as to advise the court of settlement no later than seven days before the scheduled trial, in order to allow the court's calendar to be cleared for other matters

7. **Trial.** The court will call this matter for trial on **September 21, 2004 at 9:30 a.m.**, in Courtroom 228B, 316 N Robert Street, St Paul Minnesota 55101. The court has allotted **one (1) day(s)** for trial. Counsel and the parties shall be prepared to fully submit this matter within that time. NO FURTHER NOTICE OF THE TRIAL DATE WILL BE GIVEN.

8. **Effect of This Order.** All deadlines in this order are mandatory, unless extended by order. Such an extension may be obtained once, on stipulation reciting specified good cause in its terms, and otherwise only by formal motion. ***If any party is not represented by an attorney, he or she shall comply with all requirements directed to "counsel" in this order. FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN IMPOSITION OF SANCTIONS UPON COUNSEL OR PARTY, PURSUANT TO FED. R. CIV. P. 16(f), as incorporated by FED. R. BANKR. P. 7056.***

BY THE COURT:

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DATED: June 16, 2004

GREGORY F. KISHEL
CHIEF UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

I, Anita M. Larson, hereby certify:

That I am the Calendar Clerk for Judge Gregory F. Kishel of the United States Bankruptcy Court for the Third Division of the District of Minnesota at St. Paul, and that on June 16, 2004 true and correct copies of the annexed:

ORDER FOR TRIAL

were placed by me in individual official envelopes; that said envelopes were addressed to each of the person{s}, corporations, and firms at their last known addresses, were sealed and on the day aforesaid were placed in the United States mails at St. Paul, Minnesota, to:

KURT M. ANDERSON ESQ
PO BOX 2434
MINNEAPOLIS MN 55402-0434

STEPHANIE ONORATO ESQ
102 5TH AVE NW
PO BOX 359
LONSDALE MN 55046

and this certificate was made by me.

Anita Larson
Deputy Clerk

Filed on June 16, 2004
Lori A. Vosejka, Acting Clerk
By aml, Deputy Clerk